

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2014-346-WS

IN RE:)	DIUC RESPONSE TO ORS MOTION
)	FOR CLARIFICATION AND TO HOLD
Application of Daufuskie Island Utility)	REMAINING PROCEDURAL
Company, Inc. for Approval of an)	DUE DATES IN ABEYANCE
Adjustment for Water and Sewer Rates,)	PENDING COMMISSION ORDER
Terms and Conditions.)	
_____)	

NOW COMES THE APPLICANT, Daufuskie Island Utility Company, Inc. ("DIUC"), in response to the Motion for Clarification and to Hold Remaining Procedural Due Dates in Abeyance filed by the Office of Regulatory Staff ("ORS"), stating as follows

1. On September 27, 2019, the Supreme Court remitted this matter to the Public Service Commission in accordance with the Court's Opinion No. 27905.
2. Via letter dated November 15, 2019, DIUC requested the Commission proceed to an efficient resolution of the case, explaining:

Because there have already been two hearings in this case, the record is fully developed and another hearing for further testimony or evidence is not necessary. Therefore, DIUC requests that the Commission set a limited hearing for oral argument from the parties regarding implementation of the Supreme Court's decision.

3. Via letter dated December 6, 2019, ORS also requested the case be addressed expeditiously:

Absent the presentation of additional evidence by DIUC, the South Carolina Office of Regulatory Staff ("ORS") would not present additional evidence. As a result, at the third hearing on DIUC's application, provided DIUC submits no additional evidence, ORS is prepared to rest on the evidence it submitted in the initial two hearings.

4. The POAs, however, asserted via letter dated January 16, 2020, that "The Commission cannot rule on remand absent additional documentary or testimonial evidence to support its decision."
5. The Commission then scheduled "a limited hearing be held [in this matter] to consider rate case expenses, plant in service, and reparations." Order 2020-382.

6. Pursuant to Commission Order 2020-48H, that limited hearing is set for Thursday, September 3, 2020.
7. Order 2020-48H also includes the following procedural deadlines, as agreed upon in advance by the parties:

DIUC Direct Testimony.....	June 16, 2020
ORS and HOAs Direct Testimony.....	July 7, 2020
DIUC Rebuttal Testimony.....	July 21, 2020
ORS and POAs Surrebuttal Testimony.....	August 4, 2020
Third Hearing (on remand).....	September 3, 2020

8. On June 16, 2020, DIUC filed its Direct Testimony.
9. On July 7, 2020, ORS filed its Direct Testimony.
10. Despite having asserted the Commission should allow the filing of additional testimony and documentary evidence, the POAs failed to file any Direct Testimony.
11. Two weeks after receiving DIUC's Direct Testimony, ORS served a single Request for Production seeking, "documentation to demonstrate the invoices that are included in the amount of \$269,356 [of requested Rate Case Expenses] have been paid by DIUC. See Exhibit A, ORS's First Continuing Requests for Production of the Second Remand.
12. ORS's Request for Production included a July 10, 2020 response date.
13. On July 10, 2020, DIUC responded to the Request for Production. See Exhibit B, DIUC Responses to SC ORS's First Continuing Request for Production of the Second Remand.
14. As is often the case with discovery responses, the DIUC Responses included certain legal objections. Then, subject to and preserving its objections, DIUC responded as follows:

Documents supporting the Rate Case Expenses sought by DIUC were produced with DIUC's Responses to Office of Regulatory Staff's First Continuing Audit Information Request in Proceeding on Remand dated October 27, 2017 and Attachment to ORS 1-12 Rate Case Expenses therewith produced.

DIUC also previously provided ORS and the Commission support for its requested Rate Case Expenses, through testimony and exhibits. *See* Transcript of Proceedings (October 28, 2015), Transcript of Proceedings (December 6 and 7, 2017), Prefiled Second Rehearing Testimony of John F. Guastella (June 16, 2020).

DIUC incorporates and relies upon these documents and transcripts. Provided herewith is a one-page chart entitled GA Rate Case Invoices and Payments to Date.

Additional testimony and documents may also be provided as this second rehearing proceeding continues, including future testimony, both prefiled and live testimony, and exhibits.

See Exhibit B.

15. On July 14, 2020, ORS filed its Motion for Clarification and to Hold Remaining Procedural Due Dates in Abeyance.
16. The relief sought by the Motion is unnecessary and unwarranted. Any legal issues raised by the cited Response to which ORS seeks “clarification” can be addressed in conjunction with the hearing on September 9, 2020, as scheduled.
17. DIUC’s primary goal is to obtain a final ruling of the Commission addressing the issues that remain outstanding in this case. See Exhibit C, DIUC Motion for Disposition of Proceedings (filed with Proposed Order on Second Remand).
18. Any substantial delay created by holding testimony deadlines in abeyance, as requested by the Motion, could be very harmful to DIUC.
19. Therefore, DIUC request that if any deadlines are to be held in abeyance or adjusted, any changes to the schedule still allow for a ruling of the Commission prior to DIUC’s October 1, 2020, billing.
20. Further, to the extent the Commission wishes to consider any issue(s) raised by the Motion or this Response, DIUC is available for a telephone conference at any time during the day on Thursday, July 16, 2020, and Friday, July 17, 2020.

HAVING RESPONDED TO THE MOTION, the Applicant requests the Commission deny the Motion or, in the alternative, proceed with a conference among the parties on Thursday, July 16, 2020, and Friday, July 17, 2020, to explore the matters herein raised.

Respectfully submitted,

/s/ Thomas P. Gressette, Jr.

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July 16, 2020
Charleston, South Carolina

CERTIFICATE OF SERVICE

This is to certify that on July 16, 2020, I caused to be served upon the counsel of record named below a copy of the foregoing Response to the Motion for Clarification and to Hold Remaining Procedural Due Dates in Abeyance filed by the Office of Regulatory Staff (“ORS”), via electronic mail, as indicated. A copy was also electronically filed via the Commission DMS.

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/s/ Thomas P. Gressette, Jr.

July 16, 2020

Charleston, South Carolina